IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.8907 of 1995

Between:

1 Saripilli Bhaskara Rao, S/o late Appa Rao
R/o. Chinagadila Village of Visakhapatnam District.
2 Seeradu Dasu, S/o Seethaiah
R/o. Chinagadila Village of Visakhapatnam District.
3 Satty Nageswara Reddy, S/o Satyanarayana Reddy
R/o. Chinagadila Village of Visakhapatnam District.

..... PETITIONERS

AND

1 The Visakhapatnam Urban Development Authority, rep. by its

Chairman, "VUDA" Building, Siripuram Junction,
Visakhapatnam.
(Writ Petition as against R-1 dismissed for default vide court order

dt 21/6/2001)
2 The Revenue Department Non-Gazetted Employees Co-operative

House Building Society Ltd., rep. by its President Sri P.A. P. Swamy,

Occ: Senior Assistant, Collector's Office, Visakhapatnam.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, declaring the action of the first respondent in revising the lay-out vide Proceedings in R.C. No. 2093/94 G4, dated 7-1-1995 and allotting plots in the open space in S.No.141 of Chinagadila Village, Visakhapatnam District, as illegal, arbitrary and against to the relevant rules and regulations and set aside the same.

Counsel for the Petitioners: MR.A.V.DHANAM JAYA RAO (Not present)

Counsel for the Respondent No.1: Smt. Sumalini Reddy

Counsel for the Respondent No.2: MR.T.NIRANJAN REDDY

The Court made the following:

ORDER:

The petitioners herein challenge the proceedings of the 1st respondent in R.C.No.2093/94-G4, dated 07.01.1995 approving the revised layout submitted by the 2nd respondent – society.

The case of the petitioners in brief is as follows. The petitioners are working in the Revenue Department in Visakhapatnam District. The petitioners and other employees of Revenue Department have formed themselves into a Co-operative Housing Society (second respondent society) with an object of acquiring the land and to provide house sites to its members. Accordingly, it acquired land in Survey Nos.136, 138, 139, 140, 141 and 143/2 of Chinagadila village of Visakhapatnam District and the said land was divided into about 500 plots and a layout was submitted to the first respondent leaving the required open space. The layout was duly approved by the first respondent vide R.C.No.850/92-G4, dated 20.07.1992 and respective plots were allotted to all the members of the second respondent-society including the petitioners. At the time of approval of layout by the first respondent certain extent of land was left out as open space for the purpose of park in S.No.141, as per the relevant rules, with a view to have recreation for the children of the colony and also to have ecological balance and it is the only area left out for park for the entire colony comprising of nearly 500 houses. The petitioners claim that the office bearers of the second respondent society with an oblique motive to allot some plots to their kith and kin submitted a revised layout by dividing the open space, left out in the previous lay out, into eight plots and the first respondent without issuing any notice and calling for any objections from the affected parties, arbitrarily approved the revised layout vide proceedings in R.C.No.2093/94-G4, dated 07.01.1995 in violation of the principles of natural justice. Hence, this writ petition.

Today when the matter is taken up for hearing, there is no representation on behalf of the petitioners.

Heard Smt. Sumalini Reddy and Sri T.Niranjan Reddy, learned counsel appearing for respondents 1 and 2 respectively.

The Writ Petition as against the first respondent, who passed impugned proceedings, has already been dismissed for default by order of this Court dated 21.06.2001. Learned counsel for the second respondent submits that the third petitioner herein has become the President of the second respondent - society and therefore, the petitioners are not interested in prosecuting the matter.

Having regard to the said submission and in view of the fact that though the writ petition is posted for final hearing, none appeared for the petitioners, it can be presumed that the petitioners are not interested in prosecuting their case.

Hence, the Writ Petition is dismissed for non-prosecution. No costs.

_____

(N.V. RAMANA, J)

Date: 27.10.2004

Nsr/Asp

To

1 The Chairman, Visakhapatnam Urban Development Authority,

"VUDA" Building, Siripuram Junction, Visakhapatnam.

2 The President, Revenue Department Non-Gazetted Employees Co-

operative House Building Society Ltd.,

Visakhapatnam.

3 Two CD copies.